

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA

vs.

CASE NO.: 3:97-CR-00082-006 (SEC)

YOLANDA RUIZ

**MOTION NOTIFYING SUPERVISED RELEASE VIOLATIONS
AND REQUESTING THE ISSUANCE OF AN ARREST WARRANT**

**TO THE HONORABLE SALVADOR E. CASELLAS
SENIOR UNITED STATES DISTRICT JUDGE
DISTRICT OF PUERTO RICO**

COMES NOW, SANDRA VELEZ-GARCIA, U.S. PROBATION OFFICER of this Honorable Court, presenting an official report upon the conduct of Ms. Yolanda Ruiz, who on April 16, 1999, was sentenced to eighty-seven (87) months of incarceration to be followed by a five (5) year term of supervised release. The offender was convicted of violating Title 21, United States Code, Section 846 - Conspiracy to possess with intent to distribute cocaine, heroin and marihuana. In addition to the thirteen (13) standard conditions adopted by the Court, a Special Monetary Assessment in the amount of \$100.00 was imposed. The Court also ordered the offender to submit to drug testing, to provide financial information upon request and to produce evidence that income tax returns have been duly filed. The offender started her term of supervised release on September 19, 2003.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AS FOLLOWS:

Since her release from custody, the offender has violated the following conditions of her supervised release term:

1. MANDATORY CONDITION OF SUPERVISION: - “THE DEFENDANT SHALL NOT COMMIT ANOTHER FEDERAL, STATE OR LOCAL CRIME.”

On July 1, 2007, the offender was involved in an aggravated assault incident that constitutes a violation of the Puerto Rico Penal Code. Even though criminal charges have not been formally filed, a police complaint, number 2007-6-13-21464, was filed in Caguas, PR.

2. STANDARD CONDITION NO. 6- “THE DEFENDANT SHALL NOTIFY THE PROBATION OFFICER WITHIN SEVENTY-TWO HOURS OF ANY CHANGE IN RESIDENCE OR EMPLOYMENT.”

The offender moved from her reported residence in Rincón, PR to Caguas, PR in January 2006. The offender failed to report this change in residence.

3. STANDARD CONDITION NO. 9- “THE DEFENDANT SHALL NOT ASSOCIATE WITH ANY PERSON ENGAGED IN CRIMINAL ACTIVITY, AND SHALL NOT ASSOCIATE WITH ANY PERSON CONVICTED OF A FELONY UNLESS GRANTED PERMISSION TO DO SO BY THE PROBATION OFFICER.”

The offender has been associating with Ms. Angelica Dones, a former federal supervisee and convicted felon, since November 2005, and was living with her since January 2006, without notifying nor the authorization of the U.S. Probation Officer.

4. STANDARD CONDITION NO. 3- “THE DEFENDANT SHALL ANSWER TRUTHFULLY ALL INQUIRIES BY THE PROBATION OFFICER AND FOLLOW THE INSTRUCTIONS OF THE PROBATION OFFICER.”

During office contact, the offender was questioned about how she obtained employment in Caguas, PR, and how she commutes to work. The offender reported that a female friend from Rincón, PR, helped her find the job. Furthermore, the offender reported that this friend provides her with transportation to work from Rincón to Caguas and back. As corroborated by the probation

officer, all the information provided by the offender was false.

The offender was also asked, in numerous occasions, for any other contact telephone number. The offender always answered that the only contact telephone is the one reported on the Monthly Supervision Report, that of her mother's. The offender lied to the probation officer by failing to report that she has a cellular telephone.

5. STANDARD CONDITION NO. 2- "THE DEFENDANT SHALL REPORT TO THE PROBATION OFFICER AS DIRECTED BY THE COURT OR PROBATION OFFICER AND SHALL SUBMIT A TRUTHFUL AND COMPLETE WRITTEN REPORT WITHIN THE FIRST FIVE DAYS OF EACH MONTH."

The offender failed to report, on the Monthly Supervision Reports, her cellular telephone number, the residential address of Ms. Angelica Dones, where offender has been residing for the last year and a half, and her association with Ms. Dones, a former federal supervisee and convicted felon.

WHEREFORE, I declare under penalty of perjury that the foregoing is true and correct and unless the Court rules otherwise, it is respectfully requested the Court order that a warrant be issued for Ms. Yolanda Ruiz' arrest so that she may be brought before this Honorable Court to show cause why her supervised release term should not be revoked, thereupon, she to be dealt with pursuant to law.

In San Juan, Puerto Rico, this 6th day of July 2007.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

s/Sandra Vélez-García
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 6th, 2007, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

U.S. Attorney's Office, Torre Chardón, Suite 1201 #350, Carlos Chardón Ave., San Juan, PR and
U.S. Public Defender Office, 241 F.D. Roosevelt, El Patio Gallery Bldg., San Juan.

At San Juan, Puerto Rico, July 6th, 2007.

s/Sandra Vélez-García
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